

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOCUMENT
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FILED: 7/23/08

UNITED STATES OF AMERICA

-v.-

NICKHOULAS VITALE,
a/k/a "Nicky,"

Defendant.

ORDER OF FORFEITURE

07 Cr. 0280 (RJS)

-x

WHEREAS, on or about April 11, 2007, NICKHOULAS VITALE, a/k/a "Nicky" (the "defendant"), was charged in a four-count Indictment, 07 Cr. 0280 (RJS) (the "Indictment"), with, among other things, a violation of 18 U.S.C. §§ 666(a)(2) and 2 (Count Four); and

WHEREAS, the Indictment included a forfeiture allegation seeking, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in the Indictment; and

WHEREAS, on October 18, 2007, the defendant pled guilty to Count Four of the Indictment, pursuant to a plea agreement with the Government; and

WHEREAS, under the terms of the plea agreement, the defendant admitted the forfeiture allegation in the Indictment, and agreed to forfeit \$10,000.00 to the United States,

representing the criminal proceeds resulting from his participation in his crime; and

WHEREAS, on July 9, 2008, the defendant was sentenced and ordered to a forfeiture money judgment in the amount of \$10,000.00 in United States currency, representing the criminal proceeds from the defendant's participation in the crime charged in Count Four; and

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense alleged in Count Four of the Indictment, for which the defendant pled guilty, a money judgment in the amount of \$10,000.00 shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final as to the defendant, NICKHOULAS VITALE, at the time of sentencing and shall be made part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production

of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

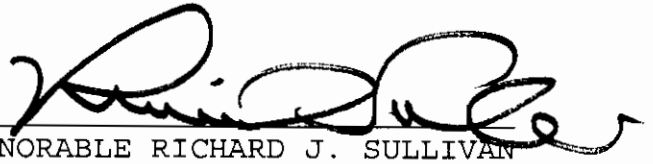
4. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrews Plaza, New York, New York 10007.

5. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

6. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney, Anna E. Arreola, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
July 21, 2008

SO ORDERED:


HONORABLE RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE